

REMARKS

Claims 1-7, 10-16 and 19-20 are pending in the application. Claims 1 and 11 have been amended to clarify the subject matter. In particular, amended claims 1 and 11 clarify that the determination of timer value and handoff is performed by system equipment other than the wireless unit. Support for these features can be found in the specification. In addition, claim 1 has been amended to include the features of claims 8 and 9 which have been canceled. Likewise, claim 11 has been amended to include the features of claims 17 and 18 which have been canceled. Claims 10 and 19 have been amended to provide proper antecedent basis. As suggested by the Examiner, a minor typographical error appearing on page 8 of the specification has been corrected. No new matter has been added.

Claims 1-20 have been rejected under 35 USC 102(b) as being anticipated by the Leung et al. reference ("the Leung reference") assigned application number EP 0701382 A1. Applicants respectfully submit that claims 1-7, 10-16 and 19-20 are not anticipated by the cited prior art for the following reasons.

Claim 1 has been amended to recite as follows:

1. (currently amended) A method of communicating in a hierarchical cellular system having an inter-layer handoff system, said method comprising the steps of:

determining timer value which is a function of the duration that a wireless unit operates within at least a cell of a first layer, said timer value being determined by the inter-layer handoff system; and

using said timer value in determining whether said wireless unit is to be handed off to at least a cell of a second layer,

wherein using comprises comparing said timer value to a first threshold and handing off to a layer of smaller cells if said timer value is greater than said first threshold, and comparing said timer value to a second threshold and handing off to a layer of larger cells if said timer value is less than said second threshold, and

wherein the determination of said timer value and said handing off is performed by system equipment other than the wireless unit.(Emphasis Added).

Applicants submit that the above bolded feature is not disclosed, taught, or suggested by the cited prior art. In the present application, amended claim 1 recites a method of communicating that includes determining a timer value and using the timer value to handoff a wireless unit such that the “determination of said timer value and said handoff is performed by system equipment other than the wireless unit.” That is, such determination is **not** performed by wireless units. In sharp contrast, the Leung reference discloses a system in which this determination is performed by mobile units. The Leung reference makes it clear that “mobile units collect their own mobility and teletraffic statistics and transmit aggregated statistics to a base station for control of the cellular system.” (See column 1, lines 1-12) In other words, the Leung reference discloses a system where mobile (wireless) units gather timing related statistics and transmit the statistics to a base station which then uses the information to control the cellular system. In contrast, in the current application, wireless units do **not** perform the function of determining timer values and handing off wireless units, rather, they are performed by system equipment. Thus, claim 1 is not anticipated by the cited prior art for at least these reasons.

Moreover, it should be emphasized that the Leung reference does not teach or suggest a technique where a “determination of said time value and said handoff is performed by system equipment other than the wireless unit” as recited in claim 1. As explained above, in the Leung reference, wireless units are responsible for collecting timing related statistics. The Leung reference goes on to assert that such a technique provides various advantages over the prior art: “a number of statistics are collected and processed by intelligent mobile units such that they can be used to greatly improve efficiencies in resource management without undue additional burden on the network resources of the cellular communications system.” (See column 2, lines 18-22) In other words, the Leung reference teaches the use of intelligent mobile units to relieve the burden of determining teletraffic statistics from communication system equipment. In

fact, the Leung reference clearly teaches away from the use of a system other than wireless units for performing this function. Thus, one skilled in the art presented with the teachings of the Leung reference would not have been motivated to arrive at a technique where the “determination of said time value and said handoff is performed by a system other than the wireless unit” as claimed in the present application.

Claims 2-7 and 10 depend from claim 1 and are not anticipated for at least the same reasons as claim 1.

Claim 11 recites similar language as the above bolded features of amended claim 1. Claim 11 should be allowable for at least the same reasons as claim 1 above. Claims 12-16 and 19-20 depend from claim 11 and are not anticipated for at least the same reasons as claim 11.

In view of the above amendment and discussion, applicants respectfully request that amended independent claim 1, independent claim 11 and their corresponding dependent claims be allowed.

Request for Reconsideration pursuant to 37 CFR 1.111

Having responded to each and every ground for objection and rejection in the Office Action mailed on February 11, 2004, applicants request reconsideration in the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow claims 1-7, 10-16 and 19-20 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact applicant's counsel who can be reached at the telephone number listed below.

Respectfully,

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